

REMARKS

In the outstanding Office Action¹, the Examiner rejected claims 1-4, 18, and 19 under 35 U.S.C. § 103(a) as being unpatentable over Kindt et al. (U.S. Patent No. 7,038,820, hereafter "Kindt") in view of Clark (U.S. Patent No. 6,529,241, hereafter "Clark").

By this Amendment, Applicant amends claim 1. Support for the claim amendments can be found in the Specification at, for example, page 30, line 23 to page 31, line 7. Claims 1-4, 18, and 19 remain pending and under consideration.

Applicant respectfully traverses the Examiner's rejection of claims 1-4, 18, and 19 under 35 U.S.C. § 103(a) as being unpatentable over Kindt in view of Clark.

Claim 1, as amended, recites an imaging apparatus, comprising, among other things, "a comparator coupled with [an] output line of [a] photoreceptor element, the comparator . . . sending an output signal when the electric-signal level is lower than the threshold electric-signal level . . . ; wherein the threshold electric-signal level monotonically increases from an initial threshold electric-signal level when the electric-signal level attenuates," (emphasis added).

Kindt and Clark, alone or combined, fail to teach or suggest the claimed comparator. Kindt and Clark, alone or combined, also fail to teach or suggest the threshold electric-signal level monotonically increasing when the electric-signal level attenuates.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Kindt, at column 9, lines 24-26, discloses, "[a] reference circuit (X42) is arranged to provide two reference voltages (VREF1, VREF2) in response to a control signal (CTL)," and at column 10, lines 42-48, discloses, "[t]he output of comparator circuit CMP40 will change from a high logic level (logic 1) to a low logic level (logic 0) when the signal voltage (Vs) exceeds the difference between the first and second reference voltages. The exposure threshold for the threshold detector is determined by the difference between the first and second reference voltages," (emphasis added). Further, Kindt, at column 10, lines 62-64, discloses, "the exposure time interval is concluded when the exposure threshold is exceeded by any one of the comparator outputs," (emphasis added).

Accordingly, even assuming that the exposure threshold of Kindt could reasonably correspond to the claimed threshold electric-signal level and that signal voltage Vs or any comparator output of Kindt could reasonably correspond to the claimed electric-signal level, Kindt at best discloses a comparator sending an output signal when an electric-signal level exceeds a threshold electric-signal level. Kindt thus fails to teach or suggest, "a comparator coupled with [an] output line of [a] photoreceptor element, the comparator . . . sending an output signal when the electric-signal level is lower than the threshold electric-signal level," as recited in amended claim 1 (emphasis added).

Moreover, Kindt, at column 10, line 66, to column 11, line 3, discloses, "[t]he exposure threshold may be . . . dynamically set by changing the second reference voltage during the integration time interval," (emphasis added), and at column 11,

lines 6-8, states, “[t]he exposure threshold may be set to a level corresponding to 100% saturation, or another level such as 80% or 90% of the saturation limit for the pixels.”

Accordingly, Kindt merely discloses dynamically setting the exposure threshold to an arbitrary saturation level. Kindt does not disclose how such a dynamical setting changes the *behavior* of the exposure threshold. Indeed, nowhere in Kindt mentions that the exposure threshold is either *monotonically* increased or *monotonically* decreased. The mere recitation of dynamically setting the exposure threshold cannot reasonably correspond to monotonically increasing the threshold electric-signal level. Accordingly, Kindt fails to teach or suggest, “the threshold electric-signal level monotonically increases from an initial threshold electric-signal level when the electric-signal level attenuates,” as recited in claim 1 (emphasis added).

Clark fails to cure the deficiencies of Kindt.

Accordingly, claim 1 distinguishes over Kindt and Clark. Claims 2-4, 18, and 19 depend from claim 1, and distinguish over Kindt and Clark at least due to their dependence.

In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 23, 2009

By: /Michael R. Kelly/
Michael R. Kelly
Reg. No. 33,921